

OFFICE OF THE STATE PUBLIC DEFENDER

STRATEGIC PLAN

DRAFT – APRIL 26, 2016

Public Defender Commission—Goals for the Entire Agency

GOAL 1: REALIGN THE AGENCY TO MAXIMIZE EFFICIENCIES

Objective 1: Create a position of Chief Administrator to oversee non-legal administrative, managerial and operational aspects of the three existing programs, including budget issues, and assume primary responsibility for representing the agency and the Commission in legislative matters.

Performance Measurement:

Interview applicants:

Selection:

Start:

GOAL 2: DEVELOP A FORMULA TO IDENTIFY THE MOST COST-EFFECTIVE COMBINATIONS OF FTE POSITIONS AND CONTRACT ATTORNEY RESOURCES

Objective 1: Utilize agency data and report on actual costs of services by FTE positions and by contract attorneys.

Performance Measurement:

Timetable:

Status:

Objective 2: Contract with a policy analyst to provide a cost-benefit analysis of services provided by FTEs and by contractors.

Performance Measurements:

1. Obtain funding
2. Develop a Request for Proposals (RFP)

Timetable:

Status:

Objective 3: Develop a communication plan to illustrate and explain the need to utilize both FTE positions and contract services. [We have the ABA 10 principles already] [Need to hire a communications position?]

Performance Measurement:

Timetable:

Status:

GOAL 3: DEVELOP A MECHANISM TO ASSESS AND EVALUATE SUPPORT STAFF AND INVESTIGATOR WORKLOADS

Objective 1: Retain the services of an independent expert to track and analyze attorney, support staff and investigator hours spent on specific tasks.

Performance Measurements:

1. Obtain funding
2. Develop a Request for Proposals (RFP)

Timetable:

Status:

Objective 2: Develop a transparent formula to identify staff resources by program and by region. Use the data to support requests for resources and funding, and to support management decisions regarding staff resources necessary to meet estimated caseloads.

Performance Measurement: Develop a Request for Proposals (RFP)

Timetable:

Status:

GOAL 4: BUILD AND DEVELOP STRATEGIC RELATIONSHIPS WITH STAKEHOLDERS

Objective 1: Increase OPD presence on commissions, committees and meetings with stakeholders and participate in conferences.

Performance Measurement:

1. Maintain participation on commissions and committees, including Montana Board of Crime Control; Commission on Courts of Limited Jurisdiction; Forensic Science Laboratory Advisory Board; Governor's Protect Montana's Kids DN Task Force; Interim Commission on Sentencing; Law and Justice Interim Committee

Timetable:

Status:

Performance Measurement:

2. Seek new opportunities to participate in meetings and conferences with stakeholders, as funds permit

Timetable:

Status:

Objective 2: Expand usage of technology to encourage regular communication among stakeholders.

Performance Measurement:

1. Improve OPD website

Timetable:

Status:

Performance Measurement:

2. Gain access to FullCourt

Timetable:

Status:

Objective 3: Sponsor an annual conference of stakeholders and encourage a dialogue on perspectives

Performance Measurement: As funds permit

Timetable:

Status:

GOAL 5: CREATE A RELATIONSHIP WITH MONTANA'S COLLEGES AND UNIVERSITIES AND ESTABLISH AN APPRENTICESHIP/INTERN PROGRAM

Objective 1: Design and implement a program in conjunction with colleges, universities and law school

Performance Measurement:

Timetable:

Status:

Objective 2: Utilize the services of interns in OPD offices

Performance Measurement:

Timetable:

Status:

Program 1, Public Defender Program

GOAL 1: ENSURE THE SYSTEM FOR PROVISION OF PUBLIC DEFENSE IS ACCOUNTABLE TO TAXPAYERS

Objective 1: Continue to apply statutory eligibility criteria to ensure that the State provides counsel at public expense only to those persons who are eligible for services.

Performance Measurement:

1. Collect and report on the total number of cases OPD is ordered to assign counsel, by region and fiscal year.

Timetable:

Status:

Performance Measurement:

2. Collect and report on the number of applications in which the client was found eligible for services, by basis for eligibility: income based; presumptive eligibility; substantial hardship

Timetable:

Status:

Performance Measurement:

3. Collect and report on the number of applications in which information was verified, by type

Timetable:

Status:

Performance Measurement:

4. Collect and report on the number of motions to rescind orders of appointment filed, by region and by basis for motion: applicant found ineligible based on information provided; applicant failed to provide sufficient information within the time periods set by OPD policy

Timetable:

Status:

Performance Measurement:

5. Collect and report on the number of motions to rescind granted or denied, by region

Timetable:

Status:

Performance Measurement:

6. Collect and report on the number of cases in which the court reappoints OPD to represent a person following motions to rescind, by region

Timetable:

Status:

Performance Measurement:

7. Develop a pilot project in Region __, by which we will access _____ by client SSN, and assess impact on verification and eligibility outcomes.

Timetable:

Status:

Performance Measurement:

8. Develop greater guidelines for use by Regional Deputy Public Defenders and eligibility specialists in the offices, in making “hardship” determinations.

Timetable:

Status:

Objective 2: Pursue efforts to address support staff turnover, which in turn creates difficulties in consistently and uniformly conducting the eligibility screening process.

Performance Measurement: Monitor turnover, continue to conduct exit interviews

Timetable:

Status:

GOAL 2: DEVELOP AND MAINTAIN A CLIENT-CENTERED PRACTICE THAT PROMOTES EXCELLENCE

Objective 1: Create a confidential intranet resource to enhance communication regarding current developments in law affecting our clients.

Performance Measurement: We are working on the web design and implementation of intranet resources

Timetable:

Status:

Objective 2: Establish regular strategic planning meetings with managers and supervisors.

Performance Measurement: conference calls, conferences/meetings

Timetable:

Status:

Objective 3: Monitor and address issues relating to attorney workloads.

Performance measurement:

1. Continue to collect and report on attorney time-keeping in the case management system

Timetable:

Status:

Performance measurement:

2. Assess the case-weighting system, making changes where appropriate as determined by the joint Labor-Management Committee.

Timetable:

Status:

Objective 4: Take appropriate steps to limit OPD involvement in DN cases involving parents.

Performance measurement:

1. File motions to stay orders to assign counsel for parents who cannot be identified

Timetable:

Status:

Performance measurement:

2. Pursue legislative amendments to DN statutes, to provide that putative parents whose identity is unknown will not be assigned a public defender.

Timetable:

Status:

Objective 5: Assess whether, and under what circumstances/factors, OPD will continue to be involved in providing representation in treatment courts.

Performance measurement:

1. Develop practice standards for representation in treatment courts, if OPD remains involved.

Timetable:

Status: We have a draft of proposed Standards for Committee review.

Performance measurement:

2. Develop a “fixed fee” contract for representation by contract attorneys in treatment courts.

Timetable:

Status:

Objective 6: Assess OPD’s current standards and policy provisions relating to cases in which the client presents or files a complaint or grievance regarding the representation provided by counsel assigned to the case.

Performance measurement: We have a pilot project underway; need to have the change committee ratify

Timetable:

Status:

GOAL 3: ENSURE THAT OUR CLIENTS’ RIGHTS TO EFFECTIVE REPRESENTATION ARE PRESERVED.

Objective 1: Ensure that our attorneys utilize an appropriate motions practice. Filing motions is often necessary to protect the constitutional rights of the criminally accused. An appropriate motions practice is indicative that a client is receiving quality representation. The absence of motions practice may be indicative that the attorneys have excessive workloads.

Performance measurement:

1. Collect data and report, by region, on the number of dispositive motions filed, by type: motion to suppress; motion to dismiss; or “other”

Timetable:

Status:

Performance measurement:

2. Collect data and report, by region, on rulings on dispositive motions, by disposition: granted; denied.

Timetable:

Status:

Objective 2: Take steps to ensure that cases are resolved in a timeframe least harmful to our client. Prolonged litigation and repeated court appearances can negatively impact the client, especially when they are incarcerated. The timely resolution of a case clears docket space for indigent defense, the prosecution, and the judiciary.

Performance Measurement: Collect and report on the number of open cases, and the number of inactive cases.

Timetable:

Status:

Objective 3: Monitor the dispositions and direct consequences to clients. Case outcome/disposition data is the foundation for evaluating all aspects of our delivery system. Caseload standards, motions practices, standards for representation and financial eligibility review processes all depend on the outcomes they produce.

Performance Measurements: Collect and report on case outcomes, by region (in felony cases):

- total number of criminal cases resolved in District Courts
- nature of the disposition (plea agreement, open plea, jury trial, bench trial)
- resolution (guilty, not guilty, dismissed)
- whether PD fees were ordered and if so, the amount.

Timetable:

Status:

PROGRAM 4, Central Services Program

GOAL 1: ENSURE THE SYSTEM FOR THE PROVISION OF LEGAL SERVICES IS ACCOUNTABLE TO TAXPAYERS

Objective 1: Maintain Financial Transparency. The taxpayer has the right to know how tax dollars are being spent.

Performance Measurements:

1. Regular audits by external agency
2. Audits of contract attorney claims

Timetable:

Status:

Objective 2: Ensure that clients of the statewide public defender system pay reasonable costs for services provided by the system based on the clients' financial ability to pay.

Performance Measurements: Collect and report on data (we already do this)

Timetable:

Status:

Objective 3: Ensure that the system uses taxpayer funds in a way that compensates service providers on a timely basis. Employees and contractors deserve to be paid on time for the work they do. Timely payment of private appointed counsel positively affects the retention and recruitment of quality indigent defense lawyers.

Performance Measurements: Percentage of claims paid within 45 days

Timetable:

Status:

Objective 4: Analyze data from the online billing system to develop a proposal to identify and implement case compensation limits, by case type and based on regional considerations.

Performance Measurements:

1. Invite contract attorneys and other stakeholders to provide input into the plan.

Timetable:

Status:

Performance Measurements:

2. Identify specific criteria by which OPD management could approve requests for excess compensation payments to counsel when in management's judgment the case involves extended or complex representation and the amount certified is necessary to provide fair compensation and effective representation.

Timetable:

Status:

Performance Measurements:

3. The plan should also include a provision by which counsel will submit with the voucher a detailed memorandum supporting and justifying counsel's claim for compensation in excess of the case limit authorized in that region.

Timetable:

Status:

GOAL 2: ENHANCE LEADERSHIP AND MANAGEMENT SKILLS

Objective 1: Continue to enhance leadership and management skills by developing training programs and utilizing resources to support management skills development.

Performance Measurement: Provide opportunities to attorney and non-attorney managers to participate in management training

Timetable:

Status: In March 2016 five supervisors, including the supervisor of the investigative work force, attended leadership training sponsored by National Association for Public Defense at Valparaiso Law School.

Office manager training is set for May 3 – 4, 2016.

Objective 2: Enhance the ability of the Human Resources unit to provide management consultation and support, and enhance OPD's ability to identify and recruit to meet the needs of the agency and the people we serve.

Performance Measurement:

Timetable:

Status:

Objective 3: Identify sufficient Information Technology (IT) resources to meet agency technical priorities, and empower the full use of technical resources.

Performance Measurement:

1. Review our IT resources to determine equipment and IT priorities: tablets, mobile apps for case management system

Timetable:

Status:

Performance Measurement:

2. Identify source of funding for IT resources

Timetable:

Status: